

Office of Water Resources 1201 Greenbrier Street Charleston, WV 25311-1088 Telephone 304-558-4086 or 558-8855 Fax 304-558-5903

West Virginia Division of Environmental Protection

Cecil H. Underwood Governor

Michael P. Miano Director

TO: Inco Alloys International, Incorporated Post Office Box 1958
Huntington West Virginia, 25720

CERTIFIED RETURN RECEIPT REQUESTED

ORDER NUMBER: 4165

DATE: April 16, 1999

The following FINDINGS are made and ORDER issued pursuant to the authority vested in the Chief of the Office of Water Resources (OWR) under Chapter 22, Article 11 and 12 of the West Virginia Code.

FINDINGS OF FACTS

- 1) Inco Alloys International, Incorporated owns, monitors, and operates a tailings impoundment located in Huntington, West Virginia which discharges pollutants to the waters of the state.
- 2) The facility has two discharge outlets. Outlet 001 discharges storm water from in and around the main plant operations. Outlet 002 discharges storm water runoff from the tailings impoundment area. These outlets discharge to Pats Branch which is on West Virginia's 1998 Impaired Stream List as is required by Section 303 (d) of the Clean Water Act. Pats Branch is listed as impaired due to Fluoride and Copper concentration.
- 3) On April 14, 1995, Inco Alloys International, Incorporated was issued Registration Number WVG610403 for coverage under WV/NPDES Water Pollution Control Permit Number WV0111457, General Permit for Storm water Associated with Industrial Activity.
- 4) On July 29, 1996, Inco Alloys International, Incorporated submitted Application Number WV0114618 to obtain an NPDES Permit to allow for the continued operations of its tailings Impoundment and to cover the storm water discharges assciated with its main plant area. This application contained discharge information describing Outlet 001.
- 5) On April 16, 1999 the Office of Water Resources issued WV NPDES Water Pollution

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Control Permit Number WV0114618 to Inco Alloys International, Incorporated to allow for the continued operation of the tailings impoundment and for the discharge of storm water associated with industrial activity. Said Permit has an effective date of May 16, 1999 and required compliance with the final effluent limitations.

- 6) A review of the Discharge Monitoring Reports (from 11/2/95 through 6/9/98) revealed that Inco Alloys International, Incorporated has difficulty meeting the newly proposed Water Quality Based limits for fluoride, copper.
- 7) In consideration of the above, this ORDER imposes immediately; 1) interim monitoring requirements for Outlet 001 and 002; and 2) a compliance schedule for achieving and reporting Inco Alloys International, Incorporated's actions that will lead to compliance with the effluent limitations and hence compliance with applicable state regulations and the Federal Clean Water Act.

ORDER OF COMPLIANCE

And Now this the 16th day of April, 1999, Inco Alloys International, Incorporated is hereby ordered to do the following:

1) Adhere to the following compliance schedule:

DATE	ACTION
a) On or before July 16, 1999	Submit a plan for taking such actions as may be necessary to comply with the permitted effluent limitations.
b) On or before October 16, 1999	Submit complete design measures to be implemented to provide the necessary changes for compliance with permit effluent limitations.
c) On or before May 16, 2000	Achieve full compliance with effluent limitations as specified in Section A.5 of the Permit or otherwise obtain necessary relief.

2) Immediately comply with requirements specified in "Attachment A".

Compliance with the terms and conditions of this ORDER shall not be construed to relieve Inco Alloys International, Incorporated of the obligation to comply with the terms and conditions of its WV/NPDES Water Pollution Control Permit, or any applicable Federal, State, or local law. Violation of this ORDER is a violation of the West Virginia Code, Chapter 22, Article 11, and may result in further enforcement action as outlined in the Act.

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This ORDER shall become effective upon the effective date of Permit Number WV0114618.

Barbara S. Taylor Chief

BST:dlc Attachments

A.3. Discharge Limitations and Monitoring Requirements

During the period beginning May 16, 1999 and lasting through midnight May 16, 2000 the permittee is authorized to discharge from outlet number(s) 001 and 002

Such discharge shall be limited to and monitored by the permittee as specified below:

	D	ischarge Limitatio	ons			Monitoring Requi	irements
Effluent Characteristic	(Quantity) lb	s/day <u>Max. Daily</u>	Other units (Spe Avg. Monthly	ecify) <u>Max. Daily</u>		Measurement Frequency	Sample Type
Flow	N/A	N/A	N/A	monitor	MGD	semi-annual*	estimated
T. Ammonia	N/A	N/A	N/A	monitor	mg/l	semi-annual*	
Biological Oxygen Demand (5 day)	N/A	N/A	N/A	monitor	mg/l	semi-annual*	grab grab
Chemical Oxygen Demand	N/A	N/A	N/A	monitor	mg/l	semi-annual*	grab
Hardness	N/A	N/A	N/A	monitor	mg/l	semi-annual*	grab
Hexavalent Chromium	N/A	N/A	N/A	monitor	ug/l	semi-annual*	grab
Temperature	N/A	N/A	N/A	monitor	°F	semi-annual*	grab
Total Copper	N/A	N/A	N/A	monitor	ug/l	semi-annual*	grab
Total Fluoride	N/A	N/A	N/A	monitor	mg/l	semi-annual*	grab
Total Nickel	N/A	N/A	N/A	monitor	ug/l	semi-annual*	grab
Total Suspended solids	N/A	N/A	N/A	monitor	mg/l	semi-annual*	grab
					=		0

The pH shall not be less than N/A standard units and not more than annual upon occupance utilizing grab sample.

N/A standard units and shall be monitored semi-

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following Location(s): 001 a manhole located near the center of the tailings storage area, and 002, drainage ditch that collects run off from the tailings impoundment area.

This discharge shall not cause violation of Title 46, Series 1, Section 3, of the West Virginia Legislative Rules issued pursuant to Chapter 22B, Article 3.

Attachment A
Date: May 16, 1999

STATE OF WEST VIRGINIA NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM DISCHARGE MONITORING REPORT

FACILITY NAI	ME	Inco Alloy	s Internati	onal I	ncorporated	DISCHA	RGE M	IONITORI COMMER	NG REPORT CIAL LABOR	ATODY NAM	(C			
LOCATION OF	FACILITY	Tailings In	npoundme	ent					CIAL LABOR					A secondary is the secondary with
ORDER NUMB	BER	WV01146	<u>18</u> OI	UTLE	T NO. <u>00</u> 2	2			en in Eribor	ATORT ADD	KE33			
WASTELOAD	FOR MONTI	1 OF				19		INDIVID	UAL PERFORI	MING ANAL	YSIS			
Parameter					Quantity					Other Units			1	T
		Minimum	Avg Mor	nthly	Max Daily	Units	N.E.	Minimum	Avg Monthly	Max Daily	Units	N.E.	Measurement Frequency	Sample Type
pН	Reported										Onits	NE.		
00400	ORDER Limitation	N/A	N/A		N/A			Monitor	N/A	Monitor	S.U.		Semi-annual*	Grab
Flow 50050	Reported													
	ORDER Limitation	N/A	N/A		N/A			N/A	N/A	Monitor	MGD		Semi-annual*	Estimate
T .Ammonia Reported 00610 ORDER Limitation	Reported											 		
		N/A	N/A		N/A			N/A	N/A	Monitor	ing/l		Semi-annual*	Grab
BOD _s 00310	Reported											 		
	ORDER Limitation	N/A	N/A		N/A			N/A	N/A	Monitor	mg/l		Semi-annual*	Grab
COD 00340	Reported											-		
	ORDER Limitation	N/A	N/A		N/A			N/A	N/A	Monitor	mg/l		Semi-annual*	Grab
Hardness 00900	Reported										-			Chab
	ORDER Limitation	N/A	N/A		N/A			N/A	N/A	Monitor	mg/t		Semi-annual*	
Hex. Chromium 01032	Reported										<u> </u>		Jenn-amuai	Grab
	ORDER Limitation	N/A	N/A		N/A			N/A	N/A	Monitor	ug/l		Senii-annual*	Grab
	Name of Principal Exec.	Officer		evaluat or thos	te the information submi	tted Based on n	y inquity of t	at qualified personn he person or persons	who manage the system,		1	Date C	ompleted	GIAO
	Title of Officer			submit	knowledge and belief, to ting false information, in	ue accurate, and icluding the poss	complete 1 a	m aware that there a and imprisonment fo	n submitted is, to the best re significant penalties for or knowing violations.		Signature	of Principal Ex	sec. Officer or Auth. Agent	

* Upon Occurrence

STATE OF WEST VIRGINIA NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM DISCHARGE MONITORING DEPORT

FACILITY NAME	Inco Alloys International Incorporated	MONITORING REPORT
		COMMERCIAL LABORATORY NAME
LOCATION OF FACILITY	Tailings Impoundment	COMMERCIAL LABORATORY ADDRESS
ORDER NUMBER	<u>WV0114618</u> OUTLET NO. <u>002</u>	
WASTELOAD FOR MONTH	OF19	INDIVIDUAL PERFORMING ANALYSIS
	T	

Parameter			r	Quantity			Other Units					Measurement	Sampl
		Minimum	Avg Monthly	Max Daily	Units	N.E.	Minimum	Avg Monthly	Max Daily	Units	N.E.	Frequency	Туре
Temperature	Reported										1		
00011	ORDER Limitation	N/A	N/A	N/A			Monitor	N/A	Monitor	*F		Semi-annual*	Grab
T. Copper 01042	Reported								1	ug/I			
	ORDER Limitation	N/A	N/A	N/A			N/	N/A	Monitor			Semi-annual*	grab
T. Fluoride 00951	Reported												
	ORDER Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	mg/i		Semi-annual*	Grab
T. Nickel 01067	Reported		20							 			
	ORDER Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	ug/l		Semi-annual*	Grab
TSS 00530	Reported												
	ORDER Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	mg/l		Semi-annual*	Grab
	Reported												
	ORDER Limitation												
	Reported												
	ORDER Limitation												
	Name of Principal Exec	: Officer	10	ertify under penalty of law	that this documer	nt and all attack	hments were orenar	ed under my direction		l	I		
		1	eva or t	hate the information subm	itted. Based on t	ny inquiry of t	at qualified personn he person or person	iel property gather and s who manage the system,			Date (Completed	
	Title of Office			ny knowledge and belief, in mitting false information, i						Signature	e of Principal F	xec Officer or Auth Agent	

STATE OF WEST VIRGINIA NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM DISCHARGE MONITORING REPORT

FACILITY NAME	Inco Alloys Inte	rnational Incorpora	ted	COMMERCIAL LABORATORY NAME	
LOCATION OF FACILITY	Tailings Impour	ndment		COMMERCIAL LABORATORY ADDRESS	
ORDER NUMBER	WV0114618	OUTLET NO.	001		
WASTELOAD FOR MONTH	I OF		19	INDIVIDUAL PERFORMING ANALYSIS	

Parameter				Quantity						Measurement	Sample		
	-	Minimum	Avg Monthly	Max Daily	Units	N.E.	Minimum	Avg Monthly	Max Daily	Units	N.E.	Frequency	Туре
Temperature	Reported												
00011	ORDER Limitation	N/A	N/A	N/A			Monitor	N/A	Monitor	*F		Semi-annual*	Grab
T. Copper 01042	Reported									ug/l			
	ORDER Limitation	N/A	N/A	N/A			N	N/A	Monitor			Semi-annual*	grab
T. Fluoride 00951	Reported												
	ORDER Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	mg/l		Semi-annual*	Grab
T. Nickel 01067	Reported									 			
	ORDER Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	ug/l		Semi-annual*	Cirab
TSS 00530	Reported										 		
	ORDER Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	mg/l		Semi-annual*	Grab
	Reported												
-	ORDER Limitation		,					100000000000000000000000000000000000000		1			
	Reported				77								
	ORDER Limitation												7
	Name of Principal Exec	Officer	1	certify under penalty of law	that this documen	it and all arrac	hinenis were prenar	ed under my direction or		I	L		
			6V	aluate the information subm those persons directly reson	itted. Based on i	ny inquiry of	at qualified personr the person or person	iel property gather and a who manage the system.	and the second s		Date (Completed	
	Title of Officer			my knowledge and belief, to binitting false information, i						Signatur	e of Principal E	xec. Officer or Auth Agent	

STATE OF WEST VIRGINIA NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM DISCHARGE MONITORING REPORT

FACILITY NAME	Inco Alloys International Incorporated	COMMERCIAL LABORATORY NAME	
LOCATION OF FACILITY	Tailings Impoundment	COMMERCIAL LABORATORY ADDRESS	According to the second
ORDER NUMBER	<u>WV0114618</u> OUTLET NO. <u>001</u>		Annual properties and
WASTELOAD FOR MONTH	1 OF19	INDIVIDUAL PERFORMING ANALYSIS	

Parameter	rarameter		γ	Quantity				O	Measurement S.	I			
		Minimum	Avg Monthly	Max Daily	Units	N.E.	Minimum	Avg Monthly	Max Daily	Units	N.E.	Frequency	Sample Type
pH	Reported									- Cinis	1.2		
00400	ORDER Limitation	N/A	N/A	N/A			Monitor	N/A	Monitor	S.U.		Semi-annual*	Grab
Flow 50050	Reported								1			144	
	ORDER Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	MGD		Semi-annual*	Estimate
T .Ammonia 00610	Reported												
	ORDER Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	mg/l		Semi-annual*	Grab
BOD ₅ 00310	Reported		-										
00310	ORDER Limitation	N/A	N/A	N/A			N/A	NA	Monitor	nıg/l		Semi-annual*	Grab
COD 00340	Reported												
00340	ORDER Limitation	N/A	N/A	N/A			N/A	N/A	Munitor	mg/I		Semi-annual*	Grab
Hardness 00900	Reported								e e e e e e e e e e e e e e e e e e e			The state of the s	
	ORDER Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	mg/I		Semi-annual*	Cirat
Hex. Chromium 01032	Reported											and the second s	
01032	ORDER Limitation	N/A	N/A	N/A	i)		N/A	N/A	Monitor	ug/I		Semi-annual*	Cirab
	Name of Principal Exec	Officer	I cor	tily under penalty of law t	hat this documer	nt and all attac	hments were prepare	d under my direction of			l		to the second per strike the property of
	The state with the designation of the party of the state	-	evalu or da	are the information submi	ited Based on i	ny inquiry of t	at qualified personn he person or persons	el property gather and i who manage the system,	and a second second second second second		17ale ('ompleted	
	Title of Officer			y knowledge and belief, tr mung false information, in						Signature	of Principal E	xec Officer or Auth. Agent	